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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,512	03/30/2004	John Anderson Campbell	EMC04-04(04029)	3214
58404 7590 12/31/2008 BARRY W. CHAPIN CHAPIN INTELLECTUAL PROPERTY LAW, LLC WESTBOROUGH OFFICE PARK 1700 WEST PARK DRIVE, SUITE 280 WESTBOROUGH, MA 01581				
EXAMINER				
PANNALA, SATHYANARAYA R				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b> 10/812,512	<b>Applicant(s)</b> CAMPBELL, JOHN ANDERSON
<b>Examiner</b> Sathyanarayan Pannala	<b>Art Unit</b> 2164

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 24 December 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_  
Claim(s) objected to: 7-12 and 22-27  
Claim(s) rejected: 1-6, 13-21 and 28-37  
Claim(s) withdrawn from consideration: \_\_\_\_\_

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Sathyanarayan Pannala/  
Primary Examiner, Art Unit 2164

Continuation of 3. NOTE: Applicant amended claims 1,4-7,0,16,18,20-23,25. This amendment changed the scope of claims and may require search for prior art as well as further consideration is required. Therefore, the amendment will not be entered.

Continuation of 11. does NOT place the application in condition for allowance because: Claims 1-6,13-21 and 26-37 were rejected using the prior art on record. For example, claim 1 has been rejected under 35 U.S.C. 103(a) as: Zahavi teaches a data management and archive method and apparatus, such as for implementation in an automated system to monitor and manage status, performance and configuration data for a plurality of networked storage components (Applicant claimed collection agents job are done by collection manager, element 38, Fig. 3, col. 4, lines 63-67). Zahavi teaches the claimed, receiving a data collection policy to identify storage information to be collected concerning a set of storage entities in the storage area network environment (Fig. 3, col. 5, lines 61-65, collection manager, element 38 receives collection policy). Zahavi teaches the claimed, collecting storage information concerning the set of storage entities according to the data collection policy (Fig. 3, col. 5, line 66 to col. 6, line 2). Zahavi does not explicitly teach producing a summary report on storage. However, Therrien teaches the claimed, processing the collected storage information to produce at least one summary record of the storage information for the set of storage entities, the at least one summary record containing a summary of the collected storage information for the set of storage entities calculated according to the data collection policy and transferring the at least one summary record from the data collection agent to a storage management application for presentation to a user of the storage management application (Fig. 8, page 6, paragraph [0067]). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to combine the teachings of the cited references because Therrien's teachings would have allowed Zahavi's method of storage resources sharing by many applications in a secured manner would increase overall utilization to 80-90% (page 1, paragraph [0006]).

Zahavi also teaches other limitations of claim 16 are: a network interface and a storage interface (Fig.2, col. 4, lines 61-65), a processor and a memory system (Fig.2, col. 5, lines 1-5). Interconnection mechanism (Fig. 2).

Zahavi also teaches other limitations of claim 31 are: collection policy for use by a data collection agent, which is one of multiple data collection agents operating in a storage area network environment (Applicant claimed collection agents job are done by collection manager, element 38, Fig. 3, col.5, line 65 to col. 6, line 1), configured to receive input from the multiple data collection agents (Applicant claimed collection agents job are done by collection manager, element 38, Fig. 3, col. 5, line 66 to col. 6, line 2).

Zahavi also teaches other limitations of claim 32 are: (Applicant claimed collection agents job are done by collection manager, element 38, Fig. 3, col.5, line 65 to col. 6, line 1). Wherein receiving the data collection policy includes receiving the data collection policy for use by the data collection agent to identify the storage information to be collected (Fig. 1, 3, col. 6, lines 38-55) and wherein processing the collected storage information to produce the summary record of the storage information includes performing at least one calculation on the collected storage information at the data collection agent, the at least one calculation performed according to the data collection policy received by the data collection agent (Fig. 1, 7, col. 7, line 28-32).

Zahavi also teaches other limitations of claim 35 are: (Applicant claimed collection agents job are done by collection manager, element 38, Fig. 3, col.5, line 65 to col. 6, line 1). Wherein receiving the data collection policy from the storage management application, based on receipt of the data collection policy from the storage management application, configuring the data collection agent as one of multiple software agents, each of which, collects data from resources in the storage area network, produces a summary report, and forwards the summary report to the storage management application (Fig. 1, 11, col. 10, line 41-53). Wherein processing the collected storage information includes substantially reducing an amount of the data collected by the data collection agent into corresponding statistical information for inclusion in the summary record (Fig. 1, 11, col. 10, line 23-35).